Paper No. 22

## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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PAT.&T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES Appeal No. 94-1648Application  $07/352,530^{1}$ 

ORDER REMANDING TO THE EXAMINER

Before BARRETT, FLEMING, and LEE, <u>Administrative Patent Judges</u>.

BARRETT, <u>Administrative Patent Judge</u>.

On consideration of the record, we note that this appeal includes a rejection under 35 U.S.C. § 101 involving the statutory nature of a computer-related claim recited in means-plus-function language under 35 U.S.C. § 112, sixth paragraph. The evaluation of claim 27 could possibly be affected by the Examination Guidelines for Claims Reciting a Means or Step Plus Function Limitation In Accordance With

<sup>1</sup> Application for patent filed May 15, 1989, entitled
"Object Database-Driven Interactive Shell for a Data Processing
System."

Appeal No. 94-1648 Application 07/352,530

35 U.S.C. § 112, 6th Paragraph, 1162 Off. Gaz. Pat. & Trademark Office 59 (May 17, 1994) and the Examination Guidelines for Computer-Related Inventions, 1184 Off. Gaz. Pat. & Trademark Office 87 (March 26, 1996). Rather than treat the application of the two sets of Guidelines in the first instance, we remand the application for reconsideration of the rejection of claim 27 in view of both sets of Guidelines. A statement by the examiner followed by a reply by appellants shall suffice.

## REMANDED

LEE E. BARRETT

Administrative Patent Judge

Lee & Barrett

MICHAEL R. FLEMING

Administrative Patent Judge

JAMESON LEE

Administrative Patent Judge

BOARD OF PATENT APPEALS AND

INTERFERENCES

Appeal No. 94-1648 Application 07/352,530

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